

PLANNING COMMISSION MINUTES
March 18, 1997

Present: Chairman Dean Jolley, Vice-Chairman Lois Williams, Don Milligan, Dick Dresher, Ken Cutler; Sam Fowler, City Council Representative; Rusty Mahan, City Attorney; Jack Balling, City Engineer; Blaine Gehring, Planning Director; Connie Feil, Recording Secretary.

Absent: Mark Green and Mike Holmes.

Dean Jolley welcomed all those present. The minutes for March 4, 1997 were modified with a spelling correction. Lois Williams made a motion to approve the minutes as modified. Dick Dresher seconded the motion and voting was unanimous.

Subdivisions

1. Consider preliminary and final subdivision approval for a lot-split of Lot 314, Eagle Ridge Subdivision.

Curt Datwyler and Rick Denison were present. Jack Balling explained that when Eagle Ridge Subdivision was granted final approval on February 3, 1993, Lot 314 (shown as Lot 215 on the preliminary plat) was 272 feet wide along Eagle Ridge Drive. Most of this lot was over 30% slope and classed as unstable land under the foothill ordinance. After the subdivision was developed, the developers asked if the City would approve the division of this lot to allow two 136 ft wide lots. Without the division this lot would be very hard for one owner to maintain. It would have weeds and collect debris and degrade the neighborhood. The road behind the lot is unnatural fill not natural vegetation. The Staff has visited the site and found this request is justified and recommended an amended plat of 314 be prepared and sent to the Planning Commission.

On both lots, the homes would be built into the slope with a retaining wall along the back of the property.

The Staff recommends the split of this lot be approved because the slope is unnatural and the upkeep of this lot would become a problem not only to the neighborhood, but the City as well.

Ken Cutler made a motion for approval of the division of 314 of Eagle Wood Subdivision, Plat C subject to approval of all fees required by the City. Sam Fowler seconded the motion and voting was unanimous.

Zoning Ordinance Amendments

1. Consider rezoning the Wuthrich Nursery property at 280 W. Center Street from C-G to R-3-13, Pentalon Construction, applicant.

Carl Tippetts, President, and Steven Peterson, Project Manager, were present. Blaine Gehring explained that Pentalon Construction would like to purchase the Wuthrich Nursery at 280 W. Center. The nursery is no longer in operation and has been for sale for several months. Pentalon Construction would like to demolish all the old greenhouses and others buildings and build some new apartments on the property. In order to build apartments the zoning needs to be changed from C-G to R-3-13.

The proposal is to leave the existing Wuthich home at 276 W. Center Street and develop the remaining property, including two small lots with frontage on 200 North currently zoned R-3-13.

The petition to rezone this R-3-13 is in keeping with the surrounding zoning and adjacent uses. There are apartments directly adjacent to the east and northeast and the Lakeview Condominiums are adjacent to the west. The recent approval for a five-plex for Doug Parkin is also adjacent to the north. The development of the property will also demolish and clear what could potentially become an eyesore and a health problem. The proposal would need to go through a Conditional Use Permit hearing in order to achieve the 12.5 units per acre density under the Density Incentive Bonus (Chapter 7) in the Zoning Ordinance.

Staff recommends the Planning Commission send a favorable recommendation to the City Council to rezone the Wuthrich property at 280 W. Center Street from C-G to R-3-13.

Dick Drescher made a motion to the City Council, with a favorable recommendation, to hold a public hearing to approve the rezoning of the Wuthrich Nursery at 280 W. Center from C-G to R-3-13. Don Milligan seconded the motion and voting was unanimous.

2. Consider amendments to Section 14-18-102 Zoning Ordinance dealing with off-site parking for commercial uses and Section 14-14-106 dealing with flag lots.

Blaine Gehring explained that the past two items before the Planning Commission have prompted a need to look at two sections of the Zoning Ordinance for possible amendments. These two sections deal with (1) parking for commercial businesses beyond their property, and (2) clarification of the creation of flag lots.

- (1) The review of the original proposal at the Queen Theater for Deseret Book has shown that allowing off-site parking for a commercial business up to 150 feet from the subject is no longer realistic. The average person will not walk that far to patronize a business unless that is the only parking available. What will happen instead is other businesses will be affected as patrons from the neighboring business without sufficient on-site parking use the other businesses' parking.

Staff recommends that the Zoning Ordinance be amended to remove this allowance.

Dick Drescher asked if there should be a special provision for the businesses on Main Street? Some of the businesses only have parking on Main Street. If a new business moves in where there is not enough parking, how are they going to provide for it? Mr. Gehring mentioned that,

if necessary, it would go to the Board of Adjustment to grant a variance. A new building will need to provide for their parking.

Staff recommends that Section 14-18-102 be amended to read:

14-18-102 OFF-STREET PARKING REQUIRED

There shall be provided, at the time any building or structure is (a) erected or enlarged, (b) increased in capacity, or (c) any new use established, a minimum hard-surfaced off-street parking area with adequate provisions for ingress and egress by standard sized automobiles as provided in accordance with requirements herein.

3. All applications for a building permit shall be accompanied by a plot plan showing the required on-site parking spaces with ingress and egress. Said plan shall be reviewed and approved by the Planning Department or through the Planning Commission and City Council as part of a site plan approval.
4. A lot or enclosure ~~shall be provided~~ing for daily parking for automobiles of those who either reside, work or transact business on the premises. Such spaces are not intended for the long term parking and/or storage of vehicles or other uses which restrict such daily use. Hard surfacing, landscaping, protective curbing, walls, fencing and illumination are required.
5. The required off-street parking for any new use, structure, or building, which, due to the size or location of the parcel, cannot be provided on the premises, may be provided on other property not more than one-hundred fifty (150) feet from the parcel of land to be served measured along the shortest available pedestrian route of access. Such spaces are not intended for the long term parking and/or storage of vehicles or other uses which restrict such daily use. Hard surfacing, landscaping, protective curbing, walls, fencing and illumination are required as approved by the Planning Commission.

(2) There has been some confusion on the wording for the creation of flag lots. When this was rewritten, the intent was not whether or not the property could be used for other feasible uses but rather it could be combined with other properties that could be developed into a subdivision instead of a lot by lot creation of flag lots. That portion of Section 14-14-106 has been reviewed by Staff and reworded for better clarification. Also, Staff is recommending including a definition of “flag lot” in the definition’s chapter of the ordinance.

Staff further recommends that the following be made for clarification of flag lots in the ordinance:

1. Section 14-14-106 be amended to read:

14-14-106 FLAG LOTS PERMITTED

A. ~~Where it can be demonstrated that there is no other feasible or practical use of the subject property, both singularly or in combination with other adjacent properties similarly situated,~~ Flag shaped lots may be created in any residential zone by Conditional Use permit, and only if all of the following requirements are met:

1. The property by its location and configuration cannot be reasonably developed without a flag lot approval.
- ~~4~~2. The lot has at least thirty (30) feet of frontage on a dedicated street, which frontage serves as access only to the subject lot or parcel.
- ~~2~~3. Two (2) flag lot access staffs, but no more than two (2) may be located adjacent to one another. In such cases each access:
 - a. shall be a minimum of twenty-five (25) feet.
 - b. shall provide for a paved driveway in each access staff at a width required by the Bountiful Fire Chief.
 - c. may share a common curb cut access.
- ~~3~~4. The access strip or staff portion of the lot is at least the minimum width required in 1 or 2 above, is not more than two hundred (200) feet in length, and represents no more than fifteen (15) percent of the total lot area in R-1-12(F) Zones and twenty (20) percent of the total lot area in all other residential zones.
- ~~4~~5. The body or flag portion of the lot meets the lot area and lot width requirements of the zone in which it is located.
- ~~5~~6. The front lot line of a flag lot shall be deemed to be that lot line of the flag portion of the lot nearest to the dedicated street upon which the staff portion fronts.
- ~~6~~7. The yard opposite the front yard as herein defined shall be considered the rear yard and must maintain the minimum rear yard setback required for the zone in which it is located.
- ~~7~~8. All other required yard setbacks shall apply to the flag portion of the lot as

per the zone in which the lot is located.

2. Section 14-3-102 be amended to include the following definition:

Lot, flag: A lot shaped in such a manner as to resemble a flag on a pole where access from the main portion of the lot (the flag) to the public street is by a narrow, private right-of-way (the pole). (*See Figure 3-4*)

The Planning Commission needs to send a favorable recommendation to the City Council on these amendments.

There was a discussion with the wording in the definition, should it be changed to read “staff” not “pole?” In the ordinance the word “staff” has been used. It was felt that the wording should be consistent in the ordinance and the definition. It was decided to leave the wording as written.

Lois Williams made a motion to approve the amendment to Section 14-18-102 Zoning Ordinance dealing with off-street parking as recommended by Staff. Ken Cutler seconded the motion and voting was unanimous.

Ken Cutler made a motion to approve the amendment to Section 14-14-106 dealing with flag lots as recommended by Staff with the following changes:

- a. 1. The property by its location and/or configuration cannot be reasonably developed with a flag lot approval.
- b. ~~67~~. The yard opposite the front yard as herein defined shall be considered the rear yard and must maintain the minimum ~~rear~~ rear yard setback required for the zone in which it is located.
- c. Include Section 14-3-102 definition of Flag Lot.

Sam Fowler seconded the motion and voting past by the majority. Dick Drescher opposed the motion.

Meeting adjourned at 7:55 P.M.